

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ APR 29 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDRES AGUIAR,

Petitioner,

01 CV 4117 (SJ)

-against-

ORDER

UNITED STATES OF AMERICA,

Respondent.
-----X

MAIL TO:

Andres Aguiar
37249-053
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P.O. Box 26030
Beaumont, TX 77230-6030
Petitioner *Pro Se*

ROSLYNN R. MAUSKOPF
United States Attorney
Eastern District of New York
One Pierrepont Plaza
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By: Michael H. Warren
Attorney for Respondent

Todd M. Merer
41 Madison Avenue, Suite 5B
New York, NY 10010
Petitioner's Trial Counsel

JOHNSON, Senior District Judge:

Petitioner filed a motion to vacate his judgment of conviction and to set aside

his sentence pursuant to 28 U.S.C. § 2255, arguing, *inter alia*, that he was denied ineffective assistance of counsel in that counsel: failed to inform Petitioner that he was considered a career offender and misinformed Petitioner as to the maximum sentence he faced at trial; failed to object to Petitioner's designation as a career criminal; and "refused to allow [Petitioner] his constitutional right to testify in his defense at trial." (Pet. at 5-5a; Mem. of Law at 35-42.)

This Court directs Todd M. Merer, Petitioner's trial counsel, to file an affidavit addressing each of Petitioner's ineffectiveness claims within thirty (30) days of the date of this Order.

SO ORDERED.

Dated: April 27, 2005
Brooklyn, NY

s/SJ

Senior U.S.D.J.